

## **IC 16-38-5**

### **Chapter 5. Immunization Data Registry**

#### **IC 16-38-5-1**

##### **Development of registry; purposes**

Sec. 1. (a) The state department may develop and maintain an immunization data registry to collect, store, analyze, release, and report immunization data.

(b) Data in the immunization registry may be used only for the following purposes:

- (1) To assure that necessary immunizations are provided and overimmunization is avoided.
- (2) To assess immunization coverage rates.
- (3) To determine areas of underimmunization and other epidemiological research for disease control purposes.
- (4) To document that required immunizations have been provided as required for school or child care admission.
- (5) To accomplish other public health purposes as determined by the state department.

*As added by P.L.231-1999, SEC.14. Amended by P.L.135-2003, SEC.1.*

#### **IC 16-38-5-2**

##### **Provision of immunization data to registry; exemption forms; written information on immunization registry**

Sec. 2. (a) A provider, a physician's designee, or a pharmacist's designee may provide immunization data to the immunization data registry in a manner prescribed by the state department and for the purposes allowed under this chapter unless:

- (1) the patient; or
- (2) the patient's parent or guardian, if the patient is less than eighteen (18) years of age;

has completed and filed with the provider, physician's designee, or pharmacist's designee a written immunization data exemption form.

(b) The state department shall create and provide copies of immunization data exemption forms to:

- (1) providers who are:
  - (A) licensed under IC 25; and
  - (B) authorized within the provider's scope of practice to administer immunizations; and
- (2) individuals;

who request the form.

(c) The state department shall distribute to providers, upon request, written information to be disseminated to patients that describes the immunization data registry. The written information must include the following:

- (1) That the provider may report immunization data to the immunization data registry.
- (2) That the patient or the patient's parent or guardian, if the patient is less than eighteen (18) years of age, has a right to

exempt disclosure of immunization data to the registry and may prevent disclosure by signing an immunization data exemption form.

(3) That the patient or the patient's parent or guardian, if the patient is less than eighteen (18) years of age, may have the individual's information removed from the immunization data registry.

(4) Instructions on how to have the information removed.

*As added by P.L.231-1999, SEC.14. Amended by P.L.135-2003, SEC.2; P.L.161-2009, SEC.1.*

### **IC 16-38-5-3**

#### **Confidentiality of information; release of information; statistics; panel on expanding access**

Sec. 3. (a) Records maintained as part of the immunization data registry are confidential.

(b) The state department may release an individual's confidential information to the individual or to the individual's parent or guardian if the individual is less than eighteen (18) years of age.

(c) Subject to subsection (d), the state department may release information in the immunization data registry concerning an individual to the following entities:

- (1) The immunization data registry of another state.
- (2) A provider or a provider's designee.
- (3) A local health department.
- (4) An elementary or secondary school that is attended by the individual.
- (5) A child care center that is licensed under IC 12-17.2-4 in which the individual is enrolled.
- (6) The office of Medicaid policy and planning or a contractor of the office of Medicaid policy and planning.
- (7) A child placing agency licensed under IC 31-27.
- (8) A college or university (as defined in IC 21-7-13-10) that is attended by the individual.

(d) Before immunization data may be released to an entity, the entity must enter into an agreement with the state department that provides that information that identifies a patient will not be released to any other person without the written consent of the patient.

(e) The state department may release summary statistics regarding information in the immunization data registry if the summary statistics do not reveal the identity of an individual.

(f) The state department shall convene a panel to discuss expanding access to the immunization data registry. The panel must include at least one (1) representative of an insurance organization and at least one (1) member of a health maintenance organization. The state department shall submit the recommendations of the panel to the legislative council by October 1, 2009, in an electronic format under IC 5-14-6.

*As added by P.L.231-1999, SEC.14. Amended by P.L.135-2003, SEC.3; P.L.161-2009, SEC.2.*

**IC 16-38-5-4****Immunity for providing data; penalty**

Sec. 4. (a) An entity described in section 3(c) of this chapter, the state department, or an agent of the state department who in good faith provides or receives immunization information is immune from civil and criminal liability for the following:

- (1) Providing information to the immunization data registry.
- (2) Using the immunization data registry information to verify that a patient or child has received proper immunizations.
- (3) Using the immunization data registry information to inform a patient or the child's parent or guardian:
  - (A) of the patient's or child's immunization status; or
  - (B) that an immunization is due according to recommended immunization schedules.

(b) A person who knowingly, intentionally, or recklessly discloses confidential information contained in the immunization data registry in violation of this chapter commits a Class A misdemeanor.

*As added by P.L.135-2003, SEC.4. Amended by P.L.97-2004, SEC.66.*